



MINUTES
of the
GENERAL MEETING

CHAIRPERSON: Cr R Dyne (Mayor)

**Held in the Boardroom
Town Hall
2 Caledonian Hill
Gympie Qld 4570**

**On Wednesday 27 January 2010
At 9.00 am**

Gympie Regional Council **GENERAL**

*Mayor RJ Dyne (Chairman),
Crs AJ Perrett, GL Engeman, RA Gâté, LJ Friske,
DR Neilson, IT Petersen, J Watt and JA Walker*

APPOINTMENTS etc.**CONTENTS:**

SECTION 1: OPEN WITH PRAYER.....	3
LEAVE OF ABSENCE.....	3
SECTION 2: APOLOGIES.....	3
SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING	4
SECTION 4: PETITIONS.....	4
SECTION 5: ADOPTION OF PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS	4
RECOMMENDATION P 20/01/10 OF THE RECOMMENDATIONS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD ON THE 20 JANUARY 2010.....	5
RECOMMENDATION P 21/01/10 OF THE RECOMMENDATIONS OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD ON THE 20 JANUARY 2010.....	5
SECTION 6: REPORT BY THE PLANNING & DEVELOPMENT COMMITTEE CHAIRMAN.....	6
SECTION 7: OTHER MATTERS	8
7/1 ACQUISITION OF BAYSIDE PIT, COOLOOLA COVE.....	8
7/2 REQUEST FOR LEASE TO OPTUS OVER PART OF LAND DESCRIBED AS LOT 86 ON SP 165067, BAYSIDE ROAD, MULLINS CREEK ROAD, TIN CAN BAY	14
7/3 2 ND NATIONAL LOCAL GOVERNMENT ENVIRONMENT CONFERENCE 2010	25
7/4 EARTH HOUR IN 2010	28
LATE ITEMS	30
LATE ITEM 1 FORMAL COMPLAINT - MR SINCLAIR – ENERGEX POLE	30
SECTION 8: GENERAL BUSINESS	35
SUB-DIVISION ON GROUNDWATER ROAD (PARK).....	35
INFORMATION SESSION – DIP & CORF RE ACTIVE TRAILS STRATEGY SEQ	36
AUSTRALIA DAY CELEBRATIONS	36
CHATSWORTH HALL CENTENARY CELEBRATIONS.....	36
SECTION 9: “IN COMMITTEE”	37
9/1 STAFF MATTER	38
9/2 TTAB STRUCTURE.....	38

The meeting commenced at 9:00 am.

PRESENT: Mayor Cr R.J. Dyne (Chairman), Cr A.J. Perrett,
Cr G.L. Engeman, Cr I.T. Petersen, Cr L.J. Friske, Cr R.A. Gâté,
Cr D.R. Neilson, Cr J. Watt and Cr J.A. Walker.

Also in attendance were Chief Executive Officer (Mr K.A. Mason), and Minutes Clerk (Miss S Bull).

DECLARATIONS OF INTEREST BY COUNCILLORS

Planning & Development Committee Meeting

P20/01/20 – Cr G.L. Engeman declared a Material Personal Interest.

P20/01/10 – Cr A.J. Perrett and Cr R.A. Gâté declared a Conflict of Interest.

P21/01/10 – Cr A.J. Perrett declared a Material Personal Interest.

SECTION 1: OPEN WITH PRAYER

Rev Gary McClintock from Wesleyan Methodist Church offered a Prayer for the advancement of the Region and the true welfare of its people.

One Minute's silence was observed for family and friends of deceased residents of the Region.

LEAVE OF ABSENCE

SECTION 2: APOLOGIES

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G01/01/10 Moved: Cr A.J. Perrett

Seconded: Cr R.A. Gâté

That the Minutes of the Gympie Regional Council General Meeting held on 16 December 2009 be taken as read and confirmed.

Carried

SECTION 4: PETITIONS

SECTION 5: ADOPTION OF PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS

G02/01/10 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That the Recommendations of the Planning & Development Committee Meeting held on 20 January 2010 as presented, be received with the exception of P20/01/10 & P21/01/10 to be withdrawn and dealt with later in this meeting.

Carried

G03/01/10 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That the Recommendations of the Planning & Development Committee Meeting held on 20 January 2010 as amended, be adopted.

Carried

Cr G.L. Engeman declared a Material Personal Interest in Minute P20/01/10 due to perceived business interests and left the meeting at 9:06 am.

Cr A.J. Perrett declared a Conflict of Interest in 2009-0796 in Minute P20/01/10 due to being a Member of the Board of St Patrick's College and abstained from voting.

Cr R.A. Gate declared a Conflict of Interest in 2009-1346 Minute P20/01/10 due to being a member of the committee and abstained from voting.

<p>Recommendation P 20/01/10 of the Recommendations of the Planning & Development Committee Meeting held on the 20 January 2010</p>
--

G04/01/10 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That Recommendation P20/01/10 of the Recommendations of the Planning & Development Committee Meeting held on 20 January 2010 be received and adopted.

Carried

Cr G.L. Engeman returned to the meeting at 9:07 am.

Cr A.J. Perrett declared a Material Personal Interest in 2009-1913 Minute P21/01/10 due to being the owner of the property and left the meeting at 9:07 am.

<p>Recommendation P 21/01/10 of the Recommendations of the Planning & Development Committee Meeting held on the 20 January 2010</p>
--

G05/01/10 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That Recommendation P21/01/10 of the Recommendations of the Planning & Development Committee Meeting held on 20 January 2010 be received and adopted.

Carried

Cr A.J. Perrett returned to the meeting at 9:08 am.

SECTION 6: REPORT BY THE PLANNING & DEVELOPMENT COMMITTEE CHAIRMAN

Cr Ian Petersen presented the following report:-

STRATEGIC PLANNING MATTERS

There was considerable discussion on the Draft Wide Bay Burnett State Planning Regulatory Provisions 2009. Grave concerns were expressed by most Councillors about the removal of Council's right to assess applications on a case by case basis, given that a lot of close in rural zoned land is not and probably never has been viable for rural production. Concerns were also raised that the restrictions would cause stagnation, with attendant budgetary consequences. The Committee is recommending that Council write to the Regional Director, Department of Infrastructure and Planning expressing dissatisfaction over the legislation and further that the Director of Planning and Development commence preparation of a strong submission to the Wide Bay Burnett Statutory Regional Plan.

Work has commenced on the Wide Bay Burnett Industrial Land Demand Study. The Committee is recommending that the Director of Planning and Development be nominated to represent Council on the technical working group.

The Heritage Advisory Committee reported on an initiative of the Ipswich City Council to develop a Conservation Management Plan, support for a removal from Lady Mary Terrace to Cogan Street, and a recommendation to revise the Local Heritage Register to include a sub section for State heritage listed places.

It is recommended that Council write to Ipswich City Council requesting a copy of their Conservation Management Plan for Queens Park (Ipswich). Further that the Local Heritage Register be updated. It is also recommended that a display be established at the Gallery during Heritage Week.

The Committee is recommending that Council adopt planning scheme amendments in relation to Council owned land at Langton Road and Noosa Road, and to commence proceedings to sell the subject land.

The Committee is recommending that Council support the "Dog Walkers Breakfast" which is planned for 2nd February at Tin Can Bay. A Dog Walkers Breakfast is not so much about dogs or the people they are taking for a walk, but more about the threat they pose to the abundant migratory shorebirds visiting the region.

As required under the Sustainable Planning Act, Council has been working on the preparation of a Priority Infrastructure Plan and Infrastructure Charges Schedules. Good progress has been made and The Committee is recommending that Council refer the matter of funding for the continuation of the project to the 2010/2011 budget deliberations.

APPLICATIONS FOR MATERIAL CHANGE OF USE:-

An application for Material Change of Use in relation to a proposed quarry at Coondoo is recommended for approval subject to conditions including restrictions on hours and scale of the operation

RECONFIGURING A LOT APPLICATIONS

A development application to create 1 additional lot at Gunalda, although in conflict with the planning scheme, is recommended for approval on several valid planning grounds. This is just one more example of the flexibility and common sense that will be totally removed from the planning process by the Draft Wide Bay Burnett State Planning Regulatory Provisions 2009

The Committee is recommending that Council approve an application for a 13 additional lot subdivision at Pie Creek, but recommending an application to relocate and create 13 new lots from 13 existing lots at Traveston be refused.

NEW APPLICATIONS

Two new impact assessable Material Change of Use, applications, five new code assessable applications, thirteen new code assessable reconfiguring applications and four operational works applications were noted. The upsurge in numbers was no doubt driven by the impending implementation of the Sustainable Planning Act which occurred on the 18th December. It is interesting to note that since the new Act came into force, and up to the time of writing this report, we have had only 2 properly made planning applications. The combined effect of the Sustainable Planning Act and the Draft Wide Bay Burnett State Planning Regulatory Provisions 2009 will be profound.

DEVELOPMENT APPLICATIONS APPROVED

A record 30 applications were approved under delegated authority.

GENERAL MATTERS

The Committee is recommending that Council support an application for funding from the Federal Government for a Community Youth Centre with land (possibly at Tozer Park Road) and other in kind contributions to the project.

G06/01/10 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That the Report be received.**Carried****SECTION 7: OTHER MATTERS**

7/1 Acquisition of Bayside Pit, Cooloola Cove

- (a) Re: **G07/01/10** Acquisition of Bayside Pit, Cooloola Cove
From: Hon Kate Jones MP, Minister for Climate Change & Sustainability, PO Box 15155, City East Qld 4002
File: 2/9/6/3 Doc #
Date: 7 December 2009

"I refer to my previous letter dated 19 October 2009 concerning the proposed sale of part of a Quarry Reserve at Bayside Road, Tin Can Bay to the Gympie Regional Council for use as a refuse transfer station.

I have been informed that the Council has concerns that it is required to pay to purchase the Reserve so that it can develop a new refuse transfer station on the land.

As you are aware, the Department of Environment and Resource Management made an offer to the Council on 29 July 2009 to purchase part of the reserve to enable the Council to use the land for another purpose.

I have sought further information from the Department and it has been confirmed that there are no provisions under the Land Act 1994 or departmental policies to waive the full purchase price so that the Council does not have to pay for the land. Should the Council accept the Department's offer and pay the full price of \$260,000, under the Department's Revenue Share Policy for Local Government Operational Trust Land, the Council is entitled to receive a refund of 50% of the purchase price, less the Department's administrative fee of \$1,200, following the issue of the Deed of Grant.

I hope this information is helpful to you. If any further information is required, please do not hesitate to contact Michael Dart of my office on telephone 3239 0844."

- (b) Re: **W25/08/09** Coolooloa Cove Transfer Station Site
From: DM Cross, Senior Lands Officer, DERM, Locked Bag 383,
Gympie Qld 4570
File: 3/3/1/1 Doc # 1063145
Date: 29 July 2009

"I refer to previous correspondence concerning the above.

The Department offers to request the Minister to seek a grant in fee simple by the Governor in Council over the area on the attached drawing being described as part B on Drawing 09/177. The purchasing price has been determined at \$286 000 inclusive of GST and is subject to you paying for all associated costs.

Survey at your expense will be necessary to maintain the fully surveyed status of the land. In this regard you should make private arrangements with a Licensed Surveyor to effect the survey.

The original plan of survey must be delivered to this Office to enable the plan to be endorsed with the approval of the Delegate of the Minister administering the Land Act 1994.

If no survey is required, your surveyor should furnish written advice to that effect to this office and also compile a plan suitable for the issue of a Deed of Grant of your land inclusive of the road to be closed.

Your surveyor should contact the Senior Surveyor, in the Departments DERM Nambour Office, if there are any doubts about survey or plan requirements.

This offer will lapse unless the following requirements are lodged with the DERM Gympie Office –

- 1. Completion and return of the attached Notification of Acceptance of Offer by all proposed tenure holders or their authorised representative.*
- 2. Forward the sum of \$295043.37 as detailed in the attached account. A copy of the account should be returned to this office with your payment.*
- 3. Lodgement of a plan of survey showing the area of the proposed waste transfer station and the area of the remnant vegetation (proposed reserve for environmental purposes) as two separate lots (please note, a 10 metre wide strip between the remnant vegetation and proposed new deed area is required) and the area to be opened as road (see Dwg 09/177)*
- 4. Written advice from Gympie regional Council that the reserve is no longer required for its dedicated purposes being Gravel Reserve.*

5. *Written advice from the Department of Main Roads that their requirements have been met, in respect to intersection requirements.*
6. *Written advice from Commonwealth Department of Defence that their requirements have been met.*
7. *Written advice from Department of Environment and Resource Management (Environmental Services) that their requirements have been met.*
8. *Written advice from Gympie Regional Council that they are prepared to be trustees of reserve over the remnant vegetation area – purpose Environments shown as Parts A & C on DWG09/177.*
9. *Lodgement of a permit to occupy surrender form.*
10. *Lodgement of a Statutory Declaration declaring*
 - a) *The intended use (public purpose) for the land; and*
 - b) *That the local government will itself use the land for the stated public purpose and that there is no current or planned action to dispose of the land to a third party.*
11. *All costs to be borne by the applicant.*

Upon completion of survey and payment of the above amount, the necessary documents and an account for further costs will be forwarded to you.

Please note that this offer is subject to the following GST conditions-

- *Goods and Services Tax is payable on all land transactions in accordance with a New tax System (Goods and Services Tax) Act 1999 unless it is an input taxed supply under Division 40 or is specifically exempted from GST under Division 38 of that Act.*
- *The parties acknowledged that the GST may be payable on the sale of the land under this Contract.*
- *Where the GST is payable, the consideration payable by the Purchaser to the Department for the sale of the land shall be increased by the amount equal to that which the Department is obliged to remit to the Deputy Commissioner of Taxation as GST on the sale.*
- *If required by the GST legislation, the Department will provide documentation to the Purchaser to enable the Purchaser to make a claim for input tax credits.*
- *Any sum paid on an offer is only a deposit and as such is not subject to GST. This deposit amount becomes actual payment and a Tax Invoice is sent out when Governor in Council approval has been provided.*
- *Where property sales are concerned, the state will favourably consider the exercise of its option to deal with the property under the margin scheme as contained in the GST Act subject to the purchaser meeting all costs (including valuation costs etc) incurred in the exercising of that option.*
- *You may wish to discuss this matter with your accountant or financial advisor prior to advising this department of your*

intention and separately supply a full valuation of your property and improvements as at 1 July 2000 certified by a Registered land Valuer.

When all requirements have been finalised, the Minister administering the Land Act 1994 will be required to seek Executive Authority for the issue to you a Deed of Grant over area described as Part B on DWG 09/177.

Aboriginal Culture Heritage

A recent search of the Cultural Heritage Database and Register indicated that no Aboriginal cultural heritage is recorded on the subject property of this application. However, it is probable that the absence of recorded Aboriginal cultural heritage places reflects a lack of previous cultural heritage surveys of the area. Therefore, our records are not likely to reflect a true picture of the Aboriginal cultural heritage values of the area.

All significant Aboriginal cultural heritage in Queensland, is protected under the Aboriginal Cultural Heritage Act 2003, and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage which may occur on the subject property is protected under the terms of the Aboriginal Cultural Heritage Act 2003 even if DERM has no records relating to it.

Please refer to our website <http://www.nrw.qld.gov.au/cultural/heritage/index.html> for a copy of the gazetted Cultural Heritage duty of care guidelines which is set out reasonable and practical measures for meeting the duty of care.

For further assistance or advice in relation to this matter please contact DERM's Cultural heritage coordination Unit on (07) 3238 3838.

Torres Strait Islander Cultural Heritage

A recent search of the Cultural Heritage Database and Register indicated that no Torres Strait islander cultural heritage is recorded on the subject property of this application. However, it is probable that the absence of recorder Torres Strait islander cultural heritage places reflects a lack of previous cultural heritage surveys of the rea. Therefore, our records are not likely to reflect a true picture of the Torres Strait Islander cultural heritage values of the area.

All significant Torres Strait Islander cultural heritage in Queensland, is protected under the Torres Strait Islander Cultural Heritage Act 2003 and penalty provisions apply for any unlawful harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Torres Strait Islander cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Torres Strait islander cultural heritage which may occur on the subject property is protected under the terms of the Torres Strait Islander Cultural Heritage Act 2003 even if DERM has no records relating to it.

For further assistance or advice in relation to this matter please contact DERM's Cultural heritage coordination Unit on (07) 3238 3838.

Your attention is drawn to the requirements of the Foreign ownership of Land Register Act 1988 that a foreign person, as defined in that Act or a trustee of a foreign person, must lodge a Notification of Ownership form for each interest acquired. No fee is payable and further enquiries can be directed to the Foreign Ownership Registry, phone (07) 3227 7262.

If you are a permanent resident of Australia, and Australian Citizen or wholly owned Australian Company, there is no need for you to take further action in this matter.

The Notification of Acceptance of offer form together with payment of all required monies must be returned to the Department by close of business on 26 August 2009 otherwise this offer will lapse.

All other conditions of this offer must be satisfied by close of business on 29 October 2009 otherwise this offer will lapse.

If you believe you will be unable to comply with all conditions of this offer by the due date, you must apply in writing for an extension of time. Applications for extensions of time must be made before the offer lapses and must address the following –

- what action you have taken to comply with the offer conditions;-*
- why the conditions cannot be complied with by the due date;*
and
- the extension of time requested.*

If you do not apply for an extension of time and the offer lapses, a new application and application fee will be required. If you make a new application, the matter will be reinvestigated and a new decision will be made that will include re-assessment of the land value and all

conditions and requirements applicable to the dealing. This re-assessment may also result in the application being refused.

If you wish to discuss this matter please contact Debbie Cross on 5480 5343.

All future correspondence relative to this matter is to be referred to the contact officer at the address below or by email to SLAM-Gympie@derm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3- sized.

Please quote reference number 2008/007435 in any future correspondence.

Report: (General Manager Works – Western Division – GG Curry)

Overview: Further to Minute W25/08/09 that Council not accept the offer from Department Environment & Resource Management and negotiate with the Minister, the Minister has replied. Acquisition of the Bayside Road pit is required to build a waste transfer station on this site.

Corporate Plan: 3.3

Operational Plan: 3.1, 3.4

Budget: Waste Management Facility Establishment – Coastal Transfer Station

Consultation: Director of Community Services
Director of Engineering Services

Issues;

(a) *Need for progress*

(b) *Cost of conditions being imposed*

Risks: (a) *Possible implications at Snapper Creek Road Landfill.*

There is the possibility of environmental harm if Council continues to dispose of putrescible wastes at the Snapper Creek Road landfill. The probability of environmental harm increases, the longer the site is used.

(b) *Cost of conditions being imposed*

The offer from the Department of Environment and Resource Management is conditional on Council providing advice from third parties that their requirements have been met.

It is likely that there will be a cost associated with meeting the requirements of the third parties. The cost of purchasing the transfer station site and any cost of complying with any imposed conditions was not included in the 2009/10 budget and further funding for the project will be required in 2010/11.

Discussion:

Conditions 5, 6 & 7 of the offer require Council to seek the written advice from the Department of Main Roads, Commonwealth Department of Defence and Department of Environment & Resource Management advising that their requirements have been met.

Conditions 4 & 8 require written advice from Council and condition 10 requires a Statutory Declaration from Council including that there is no current or planned action to dispose of the land to a third party.

Council's Director of Community Services and Director of Corporate Services confirmed with Mr D Courtney of the Department of Environment and Resource Management on 6/1/2010 that the land purchase price is \$286000.00 inclusive of GST.

G07/01/10 Moved: Cr L.J. Friske

Seconded: Cr R.A. Gâté

That Council accept, in principle, the conditions included in the Department of Environment & Resource Management's Offer dated 29 July 2009 and authorise the Chief Executive Officer to acquire the property known as Bayside Pit.

Carried

7/2	Request for Lease to Optus over part of land described as Lot 86 on SP 165067, Bayside Road, Mullins Creek Road, Tin Can Bay
-----	--

Re: **G08/01/10** Request for Lease to Optus over part of land described as Lot 86 on SP 165067, Bayside Road, Mullins Creek Road, Tin Can Bay

From: Connell Wagner Pty Ltd & Aurecon Group

File: 3/3/03/0001 – Docs #961561& 1035146

Date: 3 June 2008 & 27 April 2009

Reference: Nil

Correspondence dated 3 June 2008 from Connell Wagner acting on behalf of Optus

'...Further to our recent visit to the area in regard to the above, we wish to advise that Connell Wagner act on behalf of Optus Mobile Pty Ltd who are looking to improve network coverage in the Tin Can Bay area. We are looking to secure for the project a site suitable for the installation of a mobile telephone base station. We believe the above location is suitable for use by our client and we have conducted a site investigation with the knowledge of the Tin Can Bay Works Department. The facility will comprise a 50m lattice tower supporting radio frequency antennas and two transmission parabolic antennas, and one equipment shelter located on the ground. The facility will be located close to the existing Telstra facility on this property. Please find attached Draft Site Layout drawings of the proposed Optus mobile phone base station for Council approval.

Our client proposes a long-term lease over the selected site on the following terms:

Rent: \$8,000.00 per annum.

Rent Increases: 3% per annum.

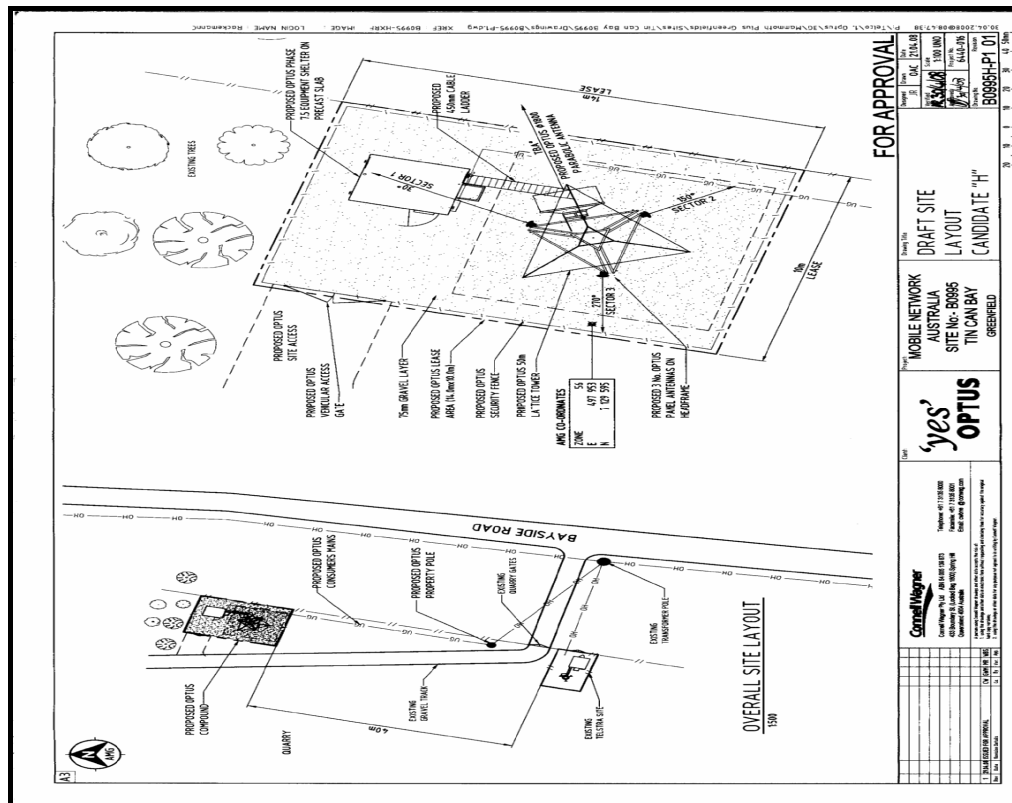
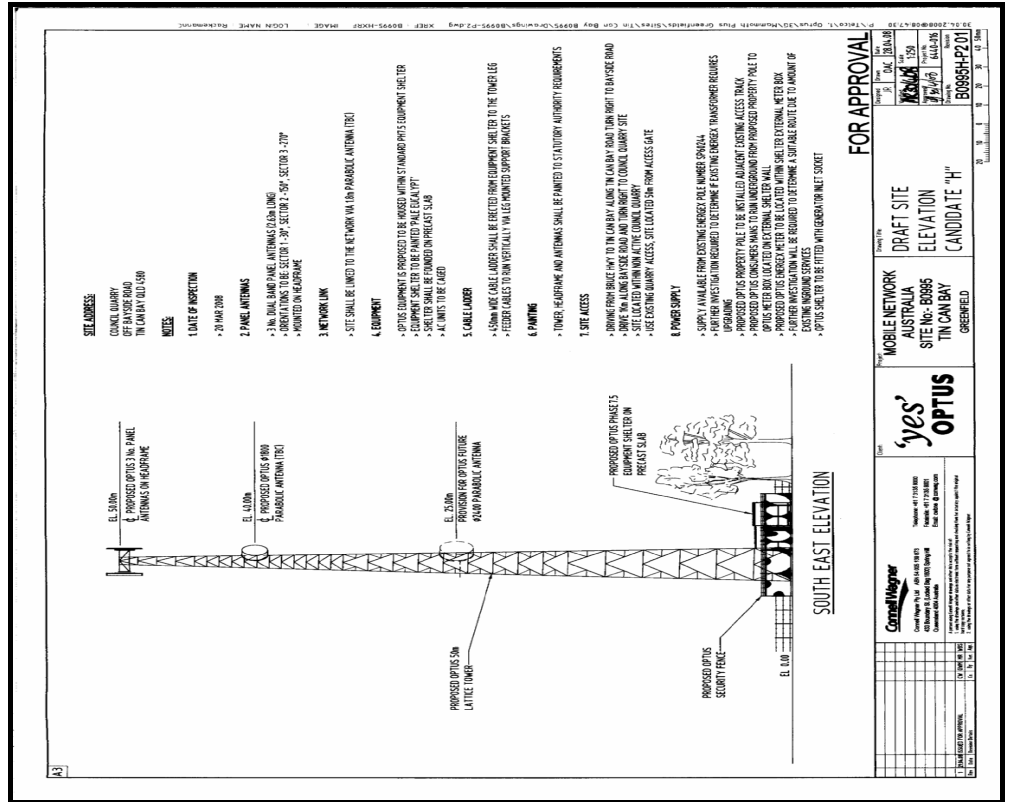
Lease Term: 10 years.

Further Term: 10 years.

The Lessee has the right to terminate the lease at the end of each five year period within the above.

In order for Connell Wagner to proceed with the required planning approvals, I request that the attached owners consent to lodge a DA form be completed and returned by fax.

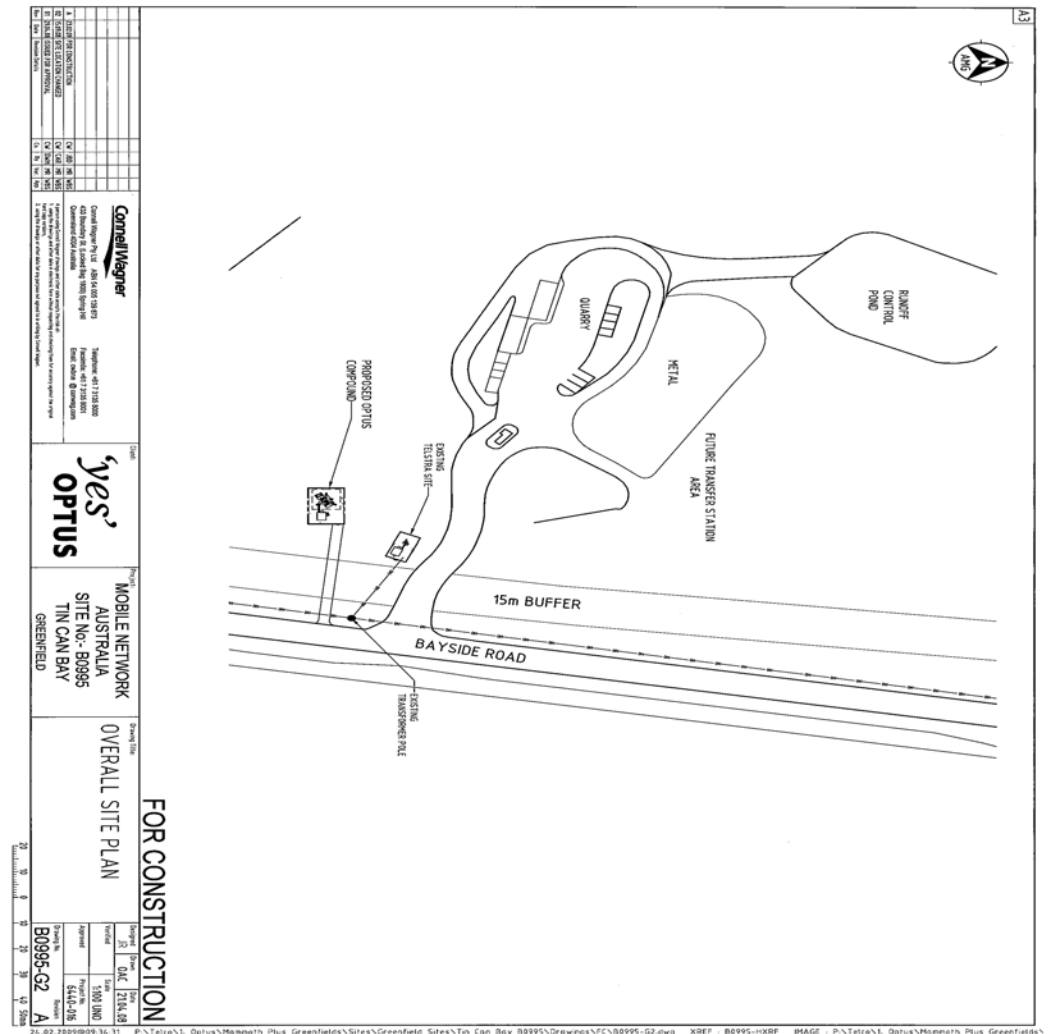
It would be greatly appreciated if you could contact the undersigned on 07 3135 8569 or 0400 722400 as soon as possible should you wish to discuss further this proposal....'



Correspondence dated 27th April 2009 from Aurecon (who have replaced Connell Wagner) acting on behalf of Optus

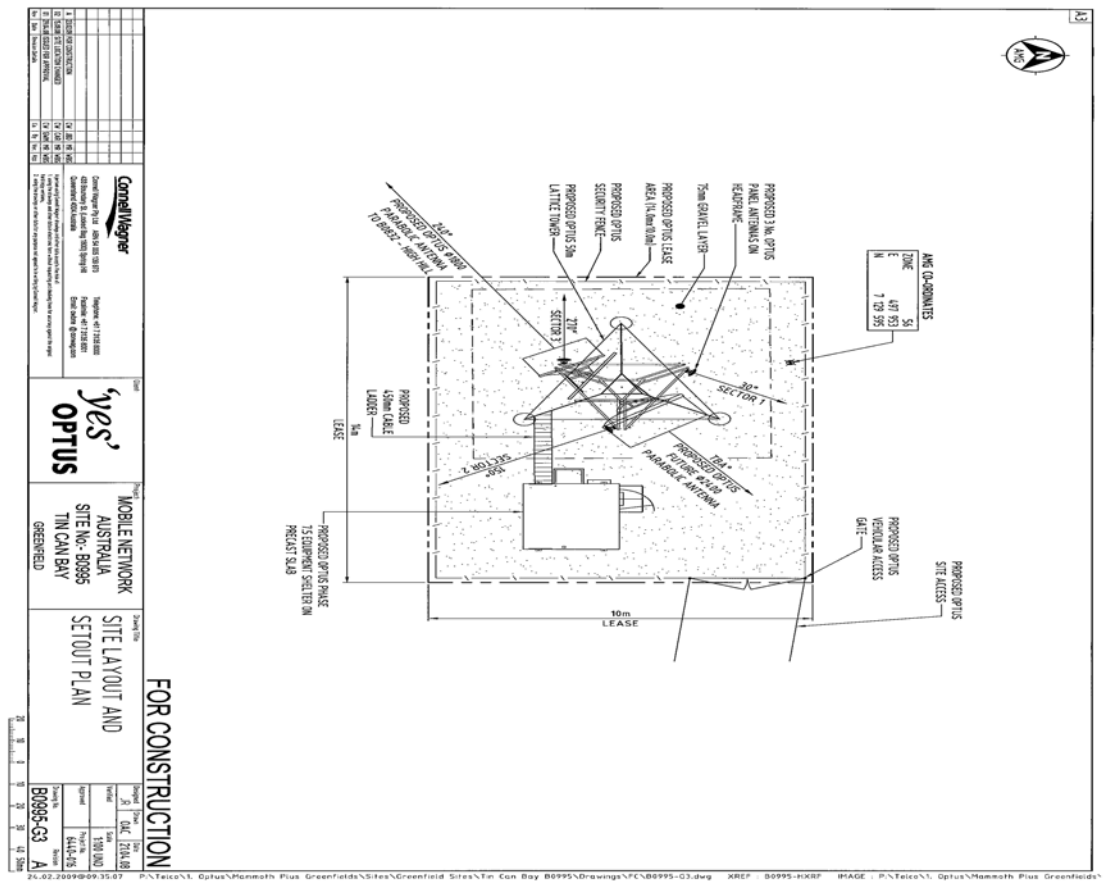
'..Optus has had this site on hold recently but it is now full speed ahead again. To that end I need to commence the lease process. Subsequent to our previous discussions on this, the NRW have changed the lease process on trusted state land. The only option now has to be a Trustee Lease with mandatory NRW clauses. These documents are agreed between Optus and NRW and are attached below. Please can you forward these to your lawyer for approval. Furthermore, Optus request council approval to the formal rental offer of \$8000 pa with 3% increases pa previously offered. Optus will pay all reasonable legal costs associated with this lease..

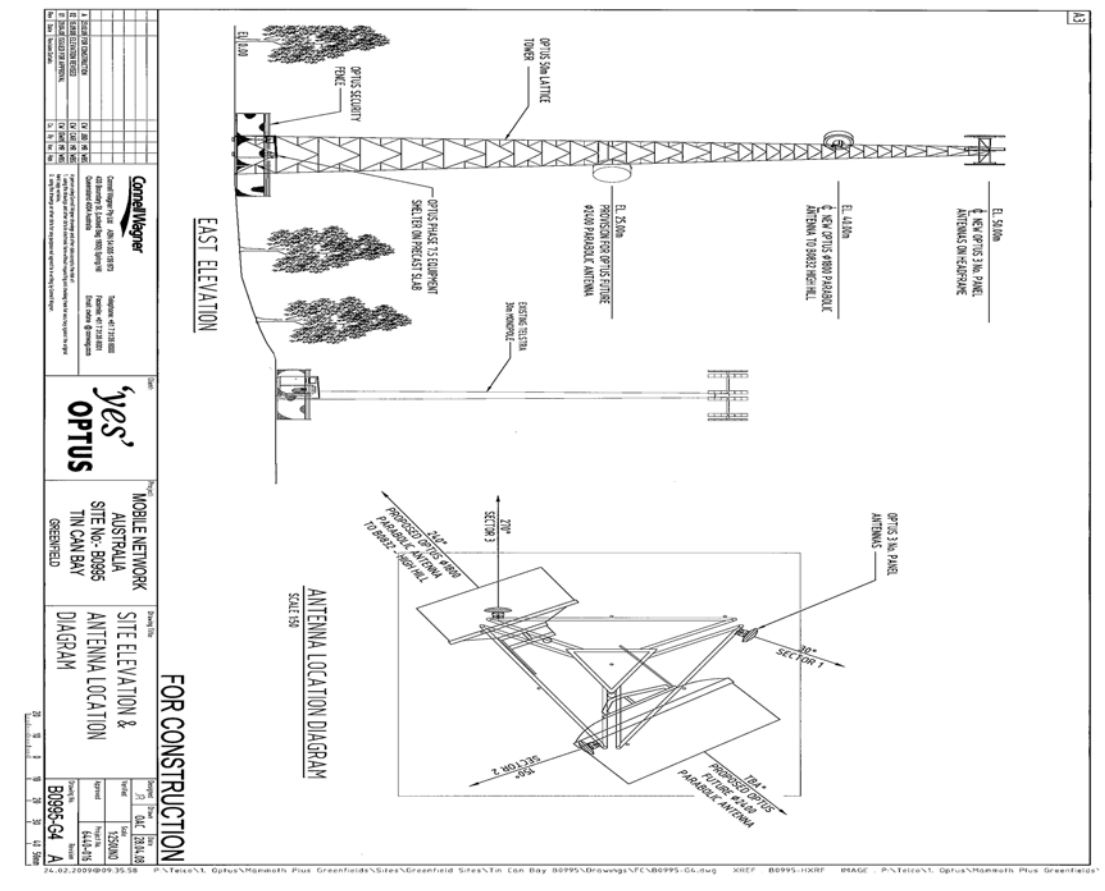
Optus request that council review and approve the Trustee Lease documentation. On approval Optus can apply to DNRW for Resource Entitlement...'



Optus yes OPTUS		MOBILE NETWORK AUSTRALIA SITE NO: B0995 TIN CAN BAY GREENFIELD		OVERALL SITE PLAN	
FOR CONSTRUCTION		Project No: B0995-G2 Project Title: A		Date: 11/11/08 Scale: 1:100	

P:\Tetc\N\Optus\Mammoh Plus Greenfields\Sites\Greenfield Sites\Tin Can Bay B0995\Drawings\F\B0995-G2.dwg XREF: B0995-HDRF IMAGE: P:\Tetc\N\Optus\Mammoh Plus Greenfields\





Executive Summary:

Council is currently negotiating with the Department of Environment and Resource Management to acquire freehold the balance of Lot 86 on SP 165067.

Optus are requesting a lease over a portion of this lot for a period of 10 years.

Previous Council considerations: Nil

Report: (Manager Corporate Administration – Debbie Jenkins)**Background:**

The site which Optus is seeking a lease also has a term lease to Telstra directly with the Department of Environmental Resource Management (DERM) over a portion of this lot.

Optus are applying to also have a tower erected here, however do not wish to occupy the same tower as Telstra.

We note that Council is currently negotiating a proposed purchase of the balance of the Lot with DERM for waste management purposes, and therefore altering the tenure of this lot from a Reserve to freehold.

Proposal:

Optus wish to apply for a lease of part of Lot 86 on SP 165067 for a period of 10 years for the purpose of installing a communications tower and associated infrastructure.

Property Address:

The property is located on Bayside Road, Cooloola Cove more particularly described as part of Lot 86 on SP 165067.

Tenure:

This is a Reserve (No. 1511) for Gravel under the trusteeship of Gympie Regional Council.

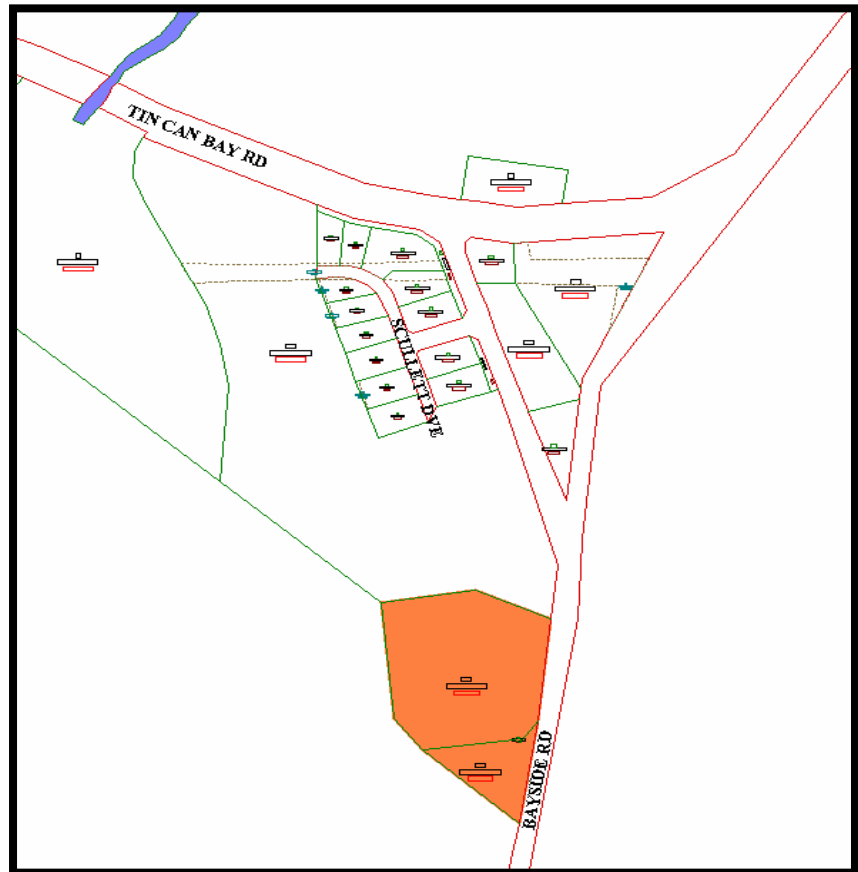
Current Use:

Gravel Pit, with an area excised for the Telstra tower.

Environmental Management and Contaminated Land issues:

The property is not currently listed on either the Environmental Management or Contaminated Lands registers.

Locality Plan:



Body of Report:

Optus have experienced substantial delays with their proposal due to the proposed acquisition of the land from the State and changing in tenure.

As Council is unable to progress any development application prior to the guaranteed freeholding of the site, it is recommended that Council consider offering a lease to Optus, on the basis that should freehold be granted, in be in the standard freehold lease format. Optus are aware that should the freeholding be refused by the Department that any offer of lease would revert to Council's standard trustee lease format.

Further consideration is required with respect to the annual rental + GST + CPI. Optus are offering annual rental of \$8,000 with a 3% increase.

As Telstra have a term lease directly with the Department of Environmental Resource Management over the area excised from this site, rental conditions are not known.

Report: (Director Planning and Development Directorate – Mr Mike Hartley)

The proposal constitutes a material change of use of premises, however specific details of the proposal would be required to determine the level of assessment prescribed under the planning scheme for such a use. Given that a new tower is intended rather than co-location with the nearby Telstra tower, it would appear that any application for development approval for this use would be impact assessable, involving public notification and 3rd party appeal rights against Council's decision. It is understood that Council planning staff had informal discussions with the proponents about this proposal some time ago, and it is suggested that the proponents arrange a pre-application meeting to confirm the way in which the planning scheme affects this proposal.

Report: (General Manager – Works, Western Division – Mr Grayden Curry)

Correspondence from the Minister for the Department of Environment and Resource Management regarding acquisition of Lot 86 on SP 165067 as freehold was included in today's agenda.

The site originally proposed by Optus is likely to conflict with the transfer station and is not acceptable. An acceptable site for the tower was identified with Optus representatives during a site inspection.

Report: (Director of Community Services Department – Mr Michael Grant)

Comments incorporated into above comments of General Manager – Works, Western Division.

Strategic Implications:

Corporate Plan: Outcome 1.5

Lobby the State and Commonwealth governments to improve television, broadband and mobile phone coverage to all areas of the region.

Operational Plan: Outcome 1.19(V) Community/Regional Engagement

To promote Regional economic and development initiatives.

Budget: Allocation allowed for Legal Fees which are reimbursed.

Budget: Corporate Services – Lease & Rentals – Legal Costs Lease related

Legal/Statutory: Standard Lease format approved by DERM

Risks:

Environmental Damage has been considered with respect to the area. It is considered once the tower is established, there will be limited works undertaken.

In consideration of the term of the lease it is considered that it will not impact on the future use of the site.

In consideration of the location of the lease with respect to the whole site, the lease area was changed to the current location to ensure that it does not impact on future requirements.

Consultation:

- Director Community Services Department – Mr Michael Grant;
- Director Planning & Development – Mr Mike Hartley
- General Manager Works, Western Division – Mr Grayden Curry
- Manager Development and Compliance – Tania Stenholm

Checklist:

- Financial Services Directorate
- Corporate Services Directorate
- Community Services Directorate
- Engineering Services Directorate
- Planning & Development Directorate
- Office of the Chief Executive Officer

G08/01/10 Moved: Cr L.J. Friske

Seconded: Cr G.L. Engeman

That:

1. **Council offer to Optus its standard freehold lease over an area of approximately 140m² being part of property described as Lot 86 SP 165067. It is noted that while this offer of lease is made with the intention of progressing lease negotiations, no lease will be registered against the title until freeholding of the land is completed. Council's standard freehold lease is to include the following conditions:**

- (a) **Term of lease 10 years;**
- (b) **Annual rental \$8,000.00 plus GST plus CPI;**

- (c) The lessee to meet all associated legal and survey costs;
 - (d) The lease offer be subject to all building and planning approvals being obtained; and
 - (e) The lessee to hold \$20,000,000.00 public liability insurance.
2. Further, that Optus be advised to contact Council's Planning and Development Directorate with a view to arranging a pre-application meeting.
 3. That the location of the lease area to be approved by the General Manager Works – Western Division.
 4. Further, that should the freeholding of the parcel of land not proceed, that Council endorse the offer of lease with the same conditions, but in Council's standard trustee format and including the mandatory conditions of the Department of Environment Resource Management.
 5. Further that Optus be advised that works on the site cannot commence until tenure has been resolved and a lease document signed by both parties is registered.

Carried

7/3

2nd National Local Government Environment Conference 2010

Re: **G09/01/10** 2nd National Local Government Environment Conference 2010
From: Local Government Association of Queensland
File: Doc ID 1411837
Date: 11 January 2010

'New Nature: Exploring Opportunities for Positive Change'

Government across the globe have widely accepted that we are facing a 'new nature' – a natural environment that requires government policy, legislation, planning systems and management responses to be re-engineered. Now it is the time to be adapting and changing systems to enable local government to meet this challenging new environment in a capable and positive way.

With all change there is opportunities, the 2nd National Local Government Environment Conference will be exploring cross overs and multidisciplinary responses to new challenges in the broader context of

environmental management. It will provide a forum to bring to light and explore opportunities for positive and innovative responses to:

- *Coastal and Natural Resource Management – planning, protection and adaptation*
- *Water – storm water management, water quality improvement, waste water reuse*
- *Climate and sustainability – managing change, adaptation and mitigation, renewable energy*
- *Carbon – reduction, sequestration and offsetting for local government*
- *Protecting and managing biodiversity and ecosystem functions*
- *Waste cycles and waste as a resource*

Who should be attending?

- *Decision makers – Mayors, Councillors, CEOs and senior managers*
- *Policy and planning staff – environmental, town planning and open space*
- *Implementers – Project managers, coordinators and operational managers*
- *Professionals from other tiers of government and NRM groups*

The 2nd National Local Government Environment Conference is an opportunity to establish networks and gain exposure with innovators and peers on a national level.

The conference will house a first class trade display showcasing the latest in environmental business technologies and concepts. Technical tours will be run allowing delegates first hand experience of the best in South East Queensland environmental innovations and approaches.

Put the 2nd National Local Government Environment Conference in your calendar now for the 23 – 25 June 2010 at the Gold Coast International Hotel, Surfers Paradise and register your interest to receive the call for papers and early bird registration notification.

Registration for the conference will open 26 March 2010 via LG Online under Events, “2nd National Local Government Environment Conference”.

Executive Summary: NIL

Previous Council considerations: NIL

Report: (Chief Executive Officer – Mr Ken Mason)

The National Local Government Environment Conference is to be held on the Gold Coast from the 23 – 25 June 2010. Councillors & Council Officers need to be updated on legislative change and innovative practices and techniques to meet the environmental legislation.

Strategic Implications:

Corporate Plan: 3 – A Responsibly Managed Environment

Operational Plan:

Budget Implications: Provision in budget for Councillor & staff to attend conference.

Budget Reference: 2110603, 2120705 - Conferences

Legal/Statutory: Council needs to keep abreast of legislative requirements and changes to ensure operations meet requirements.

Risks: Low

Consultation:

Checklist:

- Financial Services Directorate
- Corporate Services Directorate
- Community Services Directorate
- Engineering Services Directorate
- Planning & Development Directorate
- Office of the Chief Executive Officer

G09/01/10 Moved: Cr G.L. Engeman Seconded: Cr I.T. Petersen

That the information be received.

Carried

7/4

Earth Hour in 2010

Re: **G10/01/10** Earth Hour in 2010
From: Premier of Queensland, Anna Bligh MP.
File: 6-5-9-8 Doc ID: 1411466
Date: 19 January 2010
Reference:

“The Queensland Government is committed to addressing climate change by positioning the State to tackle this global issue. As part of Q2, the Government is taking action on a number of fronts to reduce that State’s carbon footprint, having already committed to achieving a 60 per cent reduction in national greenhouse gas emissions by 2050.

ClimateQ: towards a greener Queensland presents the next phase in Queensland’s response to the challenge of climate change. The revised strategy presents investments and policies to ensure Queensland remains at the forefront of the national climate change response.

In line with these strategies, the Queensland Government is proud to once again support Earth Hour in 2010.

Earth Hour 2010 is a global call to action to every individual, every business and every community – a call to stand up, take responsibility and get involved in working towards a sustainable future.

At 8.30 pm on Saturday 27 March 2010, an anticipated one billion people around the world will switch off their lights for one hour. Queensland can and should lead the country in this initiative.

On behalf of the World Wide Fund of Nature (WWF), I seek the support of your local government area by participating in this initiative. Switching off is a simple action that can make a difference and send a powerful message that we all care about the future of the planet. For more information, toolkits and to register your council, please visit the website at www.earthhour.org.

Facing up to climate change is about making a difference today for future generations. I hope you will join me in supporting this symbolic initiative.”

Executive Summary:

Council in the past has encouraged residents and businesses to participate in Earth Hour which encourages participants to turn off lights for 1 hour at a nominated time.

Previous Council considerations: NIL

Report: NIL

Strategic Implications:

Corporate Plan: 3 – A Responsibly Managed Environment

Operational Plan:

Budget Implications: NIL

Budget Reference: N/A

Legal/Statutory: NIL

Risks: Low – possible security risk

Consultation:

Checklist:

- Financial Services Directorate
- Corporate Services Directorate
- Community Services Directorate
- Engineering Services Directorate
- Planning & Development Directorate
- Office of the Chief Executive Officer

G10/01/10 Moved: Cr R.A. Gâté Seconded: Cr D.R. Neilson

That Council encourage participation in Earth Hour 2010 and seek suitable publicity through media outlets.

Carried

LATE ITEMS

Late Item 1 Formal Complaint - Mr Sinclair – Energex Pole

Re: Formal Complaint - Mr Sinclair – Energex Pole
From: Mr G Sinclair, 41 Mt Pleasant Road, Gympie Qld 4570
File: 4-8-6-7-09 Doc ID: 1412615
Date: 18 January 2010

“I acknowledge receipt of your letter dated 12 January 2010 and wish to lodge a formal complaint that the request outlined in my letter has not been acceded to, ie that it be presented TO ALL COUNCILLORS.

As you would be undoubtedly be aware, to place this matter – yet again – into the ‘investigation’ process is not what was requested in my letter nor in the best interests in obtaining a expeditious resolution to this issue.

The procurement of this information from Energex SHOULD NOT be hampered by ANY further delays by Council nor should further ratepayers’ funds be wasted in such an enterprise. Council has already ‘investigated’ this matter and should already have all the relevant information on file (unless it has been ‘misplaced’ in the same way that the attachments to two of my previous letters regarding this issue have been ‘misplaced’.

Any further ‘investigations’ into this matter are a waste of both your time and ratepayers’ money, and should not even be contemplated lest it be seen as a deliberate attempt to prevent the course of justice.

Council’s delaying tactics to date have wasted three years. This WILL NOT be allowed to continue.

Again, I strongly request that my previous letter – with its attachments – be presented to - AND WHOLLY DISCUSSED at – the next general meeting of Council.

To reiterate: the requests included in that letter was: that Gympie Regional Councillors move a motion to instruct the CEO to write to Energex to procure further information concerning relocation of Energex pole #1382426 to a position immediately outside my property on Hilton Road, Gympie.

The further information requested was:

- 1. which Council department requested that Energex pole #1382426 be moved from its intended location?*

2. *what are the perceived and approved dimensions of the 'corridor' previously mentioned in Council's advice (Ref W/16/11/09)?*
3. *what was the name of the Council employee from whom Energex received the request to move the pole (referred to in the attached advice) to its new location?*


I further request that every Councillor receive a copy of the Energex advice that was attached to my previous letter and that, to maintain Council transparency and accountability, this issue NOT be dealt with 'In Committee'.

I yet further request that I be advised which Councillors did not support the motion.

I reiterate that I consider Council's refusal to obtain the relevant information – which previously effectively obstructed Council's insurer's investigation – is tantamount to obstructing the course of justice and is prolonging what should have been a straight forward process. I state, again, that ratepayers' funds are being unnecessarily wasted.

I expect this issue to be dealt with using honesty and fairness as dictated by the Local Government Act.

I thank you for your attention and look forward to a swift and final resolution to this issue."



COOLOOLA SHIRE COUNCIL

ALL THIS IS THE CORRESPONDENCE THAT WAS NOT INCLUDED w/16/11/09

CONTACT: Design Department (07) 5481 0622 (07) 5481 0800 Design@cooloolo.qld.gov.au

Our Ref: WG94/00090 RC:KW:nmy00331
Year Ref:

02 July 2007

David Gibson MP
Member of Gympie
PO Box 1277
GYMPIE QLD 4570


Dear Mr Gibson

RE: Electricity Poles on the Corner of Hilton Road and Mt Pleasant Road.

Reference is made to your letter of 19 June 2007. Council officers have now gone back to fully investigate this matter fully. For your information the history of events pertaining to this matter follows.

- LecTel Plan No. EDX159 Sheet 2 dated 22 May 2006 shows the proposed works to relocate one pole to two locations, 14 in Mt Pleasant Road and 15 in Hilton Road (extract attached).
- Council approved of application on 26 June 2006, subject to various conditions (copy attached).
- In late August 2006, Energex delivered poles to the work site. As Council had now included upgrading of this intersection on its Capital Works Program, it requested works be delayed pending preliminary design to ensure the new poles would not impact adversely on the intersection design.
- On 4 September 2006, Council surveyed the site including the pegs for the sites of the new poles 14 and 15. Preliminary design showed that pole 14 in Mt Pleasant Road, needed to be shifted 1.0 metre south but the pole 15 in the Hilton Road was acceptable where pegged (see copy attached).
- On 6 September, the Design Department Manager, Mr Ross Chapman, contacted Energex by telephone to request location of pole 14, to be moved 1.0 metre south.

HILTON MT. P.
138 2426 10289



COOLOOLA SHIRE COUNCIL
142 ST. GEORGE STREET PO BOX 1550
 GYMPIE Q. 4570
 A.B.N. 53 043 155 700

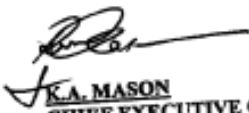
CONTACT: Energex installed the poles immediately thereafter.

- A survey of the site now shows pole 14 removed as per Council's request. It also shows pole 15 shifted from its original position, but not at Council's request.

Hence it should be clear that Council did not request the pole in Hilton Road to be shifted from its original position.

Should you have any further enquiries regarding this matter please do not hesitate to contact Council's Design Department on phone (07) 5481 0622 or email Design@cooloola.qld.gov.au.

Yours faithfully

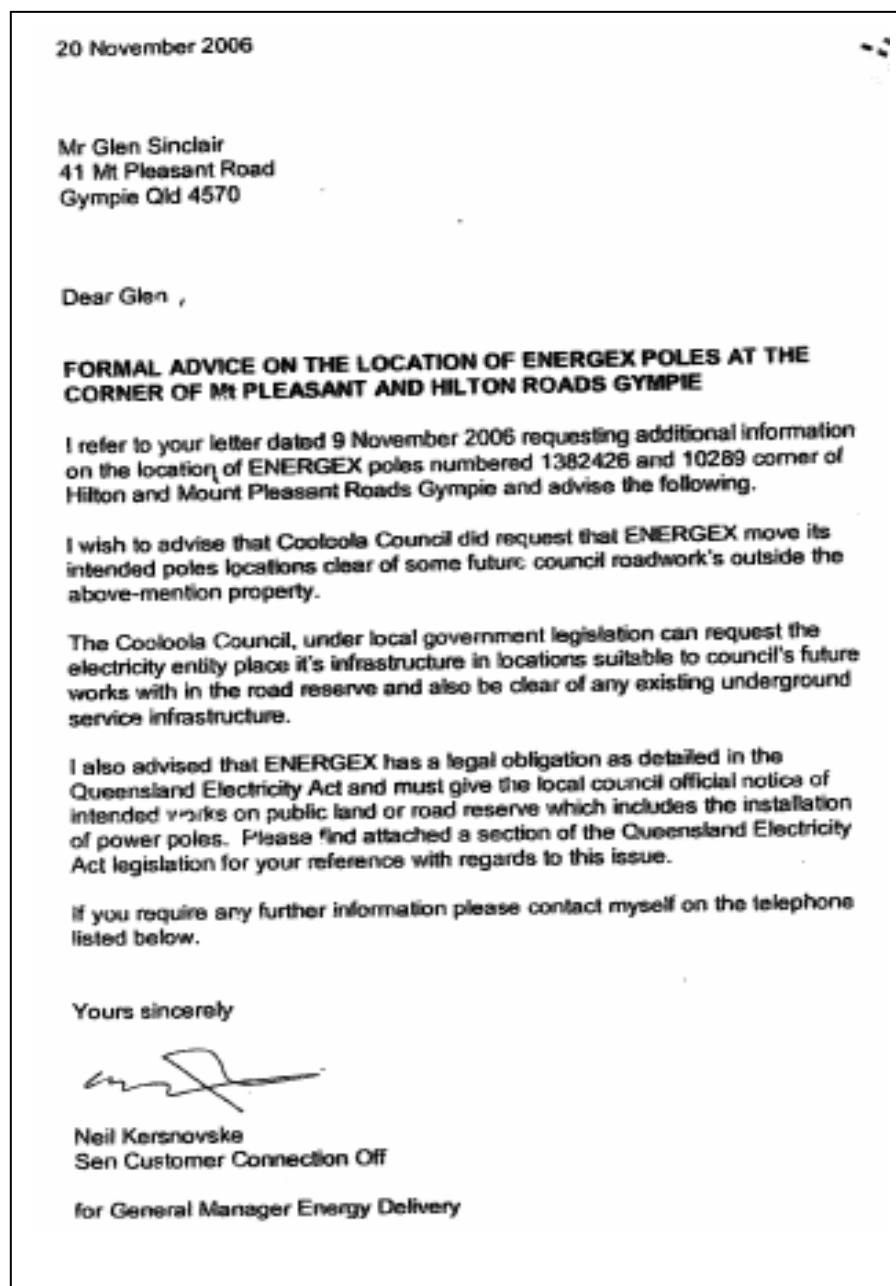

J.A. MASON
CHIEF EXECUTIVE OFFICER

Enc

COUNCIL HAD NO NEED TO CONTACT E/GEX.

THERE WAS NO POLE STN 15 HILTON RD AT ALL 13842426.

STN 14 M/P RD HAD ALREADY BEEN SHIFTED 1m. (INTENDED) NOW 2MTRS + R/CHAPMAN SHOULD HAVE KNOWN THIS COUNCIL COULD HAVE AND SHOULD HAVE REQUESTED POLE STN 15 TO BE OPPOSITE,



Report: (Chief Executive Officer – Ken Mason)

Contrary to Mr Sinclair's claims in his letter dated 15/01/2010, Council's records indicate that a copy of his letter dated 6/01/2010 was distributed to the Mayor and Councillors.

I have further discussed this matter with the General Manager, Design Services and he reiterates that on 6/09/2006 he contacted Energex by telephone to request location of pole 14 in Mt Pleasant Road to be moved 1m south.

At no time did he request the pole 15 (Energex pole #1382426) in Hilton Road to be shifted from its original position.

Design Services General Manager Mr Ross Chapman entered the meeting at 9:18 am.

G11/01/10 Moved: Cr A.J. Perrett Seconded: Cr I.T. Petersen

That:

- 1. Mr Sinclair be advised that copies of his correspondence were distributed to the Mayor and all Councillors.**
- 2. Council reaffirm its previous advice that Council did not request pole (15) (Energex pole #1382426) in Hilton Road to be shifted from its original position.**
- 3. Council does not intend to seek any further information from Energex as it has already stated its involvement in the location of the pole.**
- 4. Copies of this advice be forwarded to the Minister for Local Government and the Queensland Crimes & Misconduct Commission.**

Carried

Design Services General Manager Mr Ross Chapman left the meeting at 9.25am.

SECTION 8: GENERAL BUSINESS

Sub-division on Groundwater Road (Park)

Cr Ian Petersen advised Councillors that a site meeting was scheduled on Tuesday 2 Feb 2010 to include Cr Petersen and Cr Jan Watt, Kerry Rolfe and Ed French. Cr Petersen invited Councillors to provide feedback prior to Tuesday for consideration as part of the meeting.

Information Session – DIP & CORF re Active Trails Strategy SEQ
--

Cr Jan Watt advised that she had attended a very informative session conducted by DIP and CORF (Committee Outdoor Recreation Federation) with their strategy for the South East Queensland area.

Australia Day Celebrations

Mayor Ron Dyne referred to the success of the Australia Day Celebrations held at the Civic Centre yesterday and expressed his appreciation to all staff involved. He commented that he felt it was a fitting way to celebrate Australia Day and feedback was positive.

Cr Tony Perrett advised that he had attended the Kilkivan Aussie Breakfast hosted by the Kilkivan Lions Club along with about 50 residents from the area. He added that the afternoon celebrations in Gympie capped off a very good Australia Day.

Cr Graham Engeman expressed his appreciation to the Judging Panel for their time and effort.

Chatsworth Hall Centenary Celebrations
--

Cr Rae Gâté advised that she and several Councillors attended the Centenary celebrations for the Chatsworth Hall including the Dinner Dance on Friday, 22 January and the Centenary Fair on Saturday, 23 January which were well organised and attended. Cr Gâté expressed her appreciation to Nancy Evans and the organisers on the success of the event.

SECTION 9: “IN COMMITTEE”**COUNCIL IN COMMITTEE**

The Mayor advised the meeting that Council was going “Into Committee” to discuss

1. Staff Matter
2. TTAB Structure

G12/01/10 Moved: Cr A.J. Perrett

Seconded: Cr D.R. Neilson

That pursuant to the provisions of Section 463 of the Local Government Act, Council resolves to close the meeting to the public and move “into committee” to consider the following matter/s:-

- 1. Staff Matter**
- 2. TTAB Structure**

Further, that in relation to the provisions of Section 250 of the Act, Council resolves that following the closing of the meeting to the public and the moving ‘into committee’ that all matters and all documents (whether in hard copy, electronic, optical, visual or magnetic form) discussed, raised, tabled and/or considered whilst the meeting is closed and ‘in committee’, are confidential to the Council and the Council wishes to keep them confidential.

Carried

Cr J.A. Walker left the meeting at 9:34 am and returned to the meeting at 9:37 am.

COUNCIL OUT OF COMMITTEE

G13/01/10 Moved: Cr G.L. Engeman

Seconded: Cr R.A. Gâté

That proceedings be resumed in Open Council.

Carried

9/1	Staff Matter
-----	--------------

Re: **G14/01/10** Staff Matter
From: Chief Executive Officer – Mr Ken Mason
File:
Date: 21 January 2010

G14/01/10 Moved: Cr L.J. Friske Seconded: Cr G.L. Engeman

That:

- 1. Council approve the appointment of 1 additional officer in Works Eastern Division to assist with the implementation of Workplace Health & Safety, Risk Management and QA.**
- 2. Provision be made in the six month budget review to fund the appointment.**

Carried

9/2	TTAB Structure
-----	----------------

Re: **G15/01/10** TTAB Structure
From: Transitional Tourism Advisory Board
File:
Date: 21 January 2010

G15/01/10 Moved: Cr I.T. Petersen Seconded: Cr A.J. Perrett

That the information be received.

Carried

There being no further business the meeting closed at 9.52 am.

Confirmed this TENTH day of FEBRUARY 2010.

CHAIRMAN
Cr R.J. Dyne

